IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A.O.NO.1001 OF 2003

Shri Somnath T. Aher .. Appellant

vs.

Shantaram Parshram Jadhav
& Ors. .. Respondents

B.G.Vaidya,Advocate for the Appellant.

Mr.S.M.Sebrad, Advocate for the Respondent Nos.1 and 2.

Mr. Sandesh More i/b. Samji Joseph for Respondent No.3.

CORAM : A.S.OKA, J.

DATED : 1st February, 2005.

P.C. :

1. Shri B.G.Vaidya, learned Counsel appearing for the appellant states that the impugned order of temporary injunction is operating against the appellant for a long time and now the suit is ready for hearing.

2. He, therefore, states that as the suit is ready for hearing and as this appeal is against the interim order he is not pressing the appeal.

3. In view of the statement made by the learned Counsel appearing for the appellant, appeal is dismissed as not pressed. No order as to costs.

4. It is obvious that the findings which are recorded in the impugned order are tentative findings and the trial Judge will decide the suit on its own merits without being influenced by the findings recorded while considering the application at Exhibit 28.

. The learned trial Judge is directed the decide the suit as expeditiously as possible and preferably before 31.12.2005.

(A.S.Oka, J.)